

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

TERRANCE PERRY,

Plaintiff,

v.

Case No. 8:23-cv-1405-KKM-SPF

IQ DATA INTERNATIONAL,

Defendant.

ORDER

Defendant IQ Data International moves under Federal Rule of Civil Procedure 42 to consolidate this action with Case No. 8:23-cv-1395-KKM-SPF, *Jacquel Perry v. Trans Union, LLC*, and *IQ Data International, Inc.* See Mot. to Consolidate (Doc. 31). No party objects to consolidation in either action. *Id.* at 3.

Rule 42(a) provides, “If actions before the court involve a common question of law or fact, the court may . . . (2) consolidate the actions.” “[T]he decision to invoke [Rule 42] is entirely within the discretion of the district court as it seeks to promote the administration of justice.” *Gentry v. Smith*, 487 F.2d 571, 581 (5th Cir.1973).¹ The

¹ The Eleventh Circuit adopted as binding precedent all decisions rendered by the United States Court of Appeals for the Fifth Circuit prior to the close of business on September 30, 1981. See *Bonner v. City of Pritchard*, 661 F.2d 1206, 1207 (11th Cir. 1981) (en banc).

Eleventh Circuit has “encouraged trial judges to make good use of Rule 42(a) . . . in order to expedite [] trial and eliminate unnecessary repetition and confusion.” *Hendrix v. Raybestos-Manhattan, Inc.*, 776 F.2d 1492, 1495 (11th Cir. 1985) (quotation omitted). In exercising my discretion under Rule 42, I consider:

[W]hether the specific risks of prejudice and possible confusion [are] overborne by the risk of inconsistent adjudications of common factual and legal issues, the burden on parties, witnesses and available judicial resources posed by multiple lawsuits, the length of time required to conclude multiple suits as against a single one, and the relative expense to all concerned of the single-trial, multiple-trial alternatives.

Id. (quotation omitted).

In the light of these factors, consolidation is appropriate here. The Plaintiffs in the separate cases, Terrance Perry and Jacquel Perry, are spouses. Mot. to Consolidate at 2. Both cases allege violations of the Fair Credit Reporting Act related to the same alleged debt of \$7,541.00 owed to the same apartment complex. See Terrance Perry Compl. ¶¶ 10, 15, (Doc. 1); Jacquel Perry Compl. ¶¶ 10, 15, *Jacqueline Perry v. Trans Union, LLC et al.*, No. 8:23-cv-1395 (M.D. Fla. June 22, 2023), ECF No. 1. Terrance and Jacquel Perry are represented by the same counsel, and both cases allege the same cause of action against IQ Data International regarding the same alleged collection activities. Terrance Perry Compl. ¶¶ 33–37; Jacquel Perry Compl. ¶¶ 33–37. Also, IQ Data claims to have a recorded telephone conversation with both Terrance Perry and Jacquel Perry regarding the same

debt. Mot. to Consolidate at 2. Finally, the factual allegations in both complaints are materially similar. Terrance Perry Compl. ¶¶ 10–20; Jacquel Perry Compl. ¶¶ 10–20.

Accordingly, the following is **ORDERED**:

1. Defendant IQ Data International's unopposed motion to consolidate Case No. 8:23-cv-1395-KKM-SPF and Case No. 8:23-cv-1405-KKM-SPF is **GRANTED**.
The Clerk is directed to **CONSOLIDATE** Case No. 8:23-cv-1395-KKM-SPF and Case No. 8:23-cv-1405-KKM-SPF for all further proceedings.
2. This action shall proceed under the lead case 8:23-cv-1395-KKM-SPF, and all future pleadings shall be filed in that case. Case No. 8:23-cv-1405-KKM-SPF is **ADMINISTRATIVELY CLOSED**.
3. The Parties shall identify this action in every paper filed by the case number **8:23-cv-1395-KKM-SPF (Consolidated)**.
4. The Clerk shall promptly docket in Case No. 8:23-cv-1395-KKM-SPF a notice of the entry of this Order.

ORDERED in Tampa, Florida, on September 8, 2023.


Kathryn Kimball Mizelle
United States District Judge